

REMARKS

I. Status

The Office Action indicates claims 24-65 to be pending in this Application.

Claims 24-65 are rejected under 35 U.S.C. 102(e) as being anticipated by El-Rafie (U.S. Patent No. 6,968,394).

Claims 24, 35, 44, 55, 64, and 65 are independent.

II. Rejection of Independent Claims 24, 35, 44, 55, 64, and 65 under 35 U.S.C. 102

The Office Action rejects claims 24, 35, 44, 55, 64, and 65 under 35 U.S.C. 102(e) as being anticipated by El-Rafie.

However, Applicants respectfully submit that El-Rafie fails, for example, to disclose, teach, or suggest:

“... performing measurement corresponding to the monitoring, wherein one or more values are obtained; [and]

selecting data, wherein selection is based upon one or more of the values ...”

as set forth in each of claims 24, 44, and 64 (emphasis added).

As another example, Applicants respectfully submit that El-Rafie fails to disclose, teach, or suggest:

“... wherein measurement corresponding to monitoring of the interaction network is performed, wherein one or more values are obtained, and

wherein selection of the data is based upon one or more of the values”

as set forth in each of claims 35, 55, and 65 (emphasis added).

The Office Action contends that such is disclosed among column 14 lines 21-53, column 21 lines 33-53, column 26 lines 10-32, and column 30 line 24 of El-Rafie, the Office Action apparently equating the “size of the packets requested” of El-Rafie with the “values” of the claims, and apparently equating “determin[ing] the size of the packets requested” of El-Rafie with “performing measurement corresponding to the monitoring, wherein one or more values are obtained” and “wherein measurement corresponding to monitoring of the interaction network is performed, wherein one or more values are obtained” of the claims.

However, even if such equations are taken to be true for the sake of argument, Applicants believe it clear, for instance, that mere discussion by El-Rafie of determining which of “satellite” and “terrestrial link” is to be employed in sending data:

“[f]or example, the ISP router/switches 50 may include a policy-based routing protocol client which determines the size of the packets requested in the optional cache 52 and determines what the optimum return path to the asymmetric and/or corporate user would be (i.e., either satellite or via direct terrestrial download from optional cache 52). For example, if a small packet were requested containing a page with a relatively small amount of data, the packet may be downloaded to the corporate user and/or asymmetric user directly from optional cache 52 via the terrestrial link. However, if the policy based routing algorithm determines that the size of the data is over a particular threshold value, the corporate user 50B, 59B and/or asymmetric user 2 may be provided the data by routing the response through the NOC 4 so that the data may be returned via satellite 6” (see El-Rafie col. 14 ln. 21-35; emphasis added)

is not at all like “selecting data” as set forth in each of claims 24, 44, and 64 (emphasis added) or “selection of the data” as set forth in each of claims 35, 55, and 65 (emphasis added).

In view of at least the foregoing, Applicants respectfully submit that claims 24, 35, 44, 55, 64, and 65, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claim Rejections

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

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CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

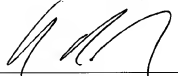
The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4041.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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